

EV410136114US



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Respectfully submitted,

By: Thomas L. Evans
Thomas L. Evans, PTO Reg. No. 35,805
BANNER AND WITCOFF, LTD.

Atty. Docket No.
005156.00011

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Timothy Joel BROWN

U.S. Pat. App. No.: 09/625,989

Filed: July 26, 2003

Group Art Unit: 2126

For: A METHOD FOR USING A FLOATING PALLET FOR A DIGITAL ASSET
MANAGEMENT SYSTEM IN A PLURALITY OF DIFFERENT APPLICATIONS

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450,
Alexandria, 22313-1450

Sir:

Applicant respectfully asks for reconsideration of both the above-identified application and the Office Action dated November 26, 2003. A response to this Office Action was due by February 26, 2003. Accordingly, Applicant is concurrently submitting a Petition for a one month extension of time, along with authorization to charge the small-entity Petition fee of \$55 to Deposit Account No. 19-0733. Please consider this Request as timely filed.

In addition to this Request, Applicant also is concurrently submitting a Request For Continued Examination, together with authorization to charge the associated Request fee to Deposit Account No. 19-0733. Accordingly, Applicant respectfully asks for consideration of this Request.

In the Office Action, the Examiner rejected claims 1 and 2 over U.S. Patent No. 5,864,338 to Austin.¹ Applicant respectfully traverses this rejection, and courteously asks for its reconsideration.

Claims 1 and 2 recite a method of using a floating pallet for a digital asset management system that includes creating a single extension plug-in to interface with API's of a plurality of different applications. The extension plug-in then communicates with a digital asset management system. Thus, these claims recite a single software object (i.e., a single extension plug-in) to communicate with a plurality of API's for different applications.

In rejecting claims 1 and 2, the Examiner stated:

Austin does not explicitly teach a plurality of applications. However, Austin (lines 49-62 column 21) discusses the concept of a stand-alone DataSocket that provides data to multiple applications concurrently. It would have been obvious to consider this teaching as a single extension plug-in interfacing with a plurality of different applications because this simplifies network programming as disclosed by Austin (lines 49-61 column 21). (See Office Action, page 3, lines 1-6.)

Applicant again respectfully submits that the Examiner has grossly misinterpreted the disclosure of the Austin patent.

¹ Applicant respectfully points out that U.S. Patent No. 5,864,338 is actually to a patent to Nestor et al. entitled "System And Method For Designing Multimedia Applications," and makes no reference to a "DataSocket extension." Accordingly, Applicant understands that the reference to U.S. Patent No. 5,864,338 is in error. Applicant

For example, Applicant points out that the Austin patent uses the term “DataSocket” to identify a general communication protocol, and then refers to any component using this protocol with the term “DataSocket.” The Examiner, however, has confused the DataSocket *server* disclosed in the Austin patent with the DataSocket *API* and with the DataSocket *extension*. Clearly, one of ordinary skill in the art would appreciate that a *server*, *API* and *extension*, are not the same component. Nonetheless, the Examiner has treated these three different components interchangeably without regard to their differences. Applicant refers to, e.g., page 1, lines 14-16 of the outstanding Office Action, where the Examiner relies upon column 25, lines 54-55. This portion of the Austin patent refers to a plug-in or extension. The Examiner then goes on to refute Applicant’s previous arguments by relying on the portion of the Austin patent in column 21, lines 34-67, which refers to a DataSocket server.

In view of these obvious and glaring errors in the Examiner’s interpretation of the Austin patent, Applicant again asks that the Examiner reconsider his reliance upon the Austin patent. Applicant submits that the Austin patent does not teach or suggest a plug-in for use with a plurality of application programming interfaces, as recited in claims 1 and 2. Instead, the Austin patent teaches the use of multiple DataSocket application programming interfaces that share a common, flexible communication technique. (See, e.g., column 21, lines 63-65.) A *separate* DataSocket Server then facilitates the exchange of data between application programs using a version of the DataSocket application programming interface.

is instead treating the rejection of claims 1 and 2 as a rejection under 35 U.S.C. §103 to U.S. Patent No. 6,526,566 to Austin. If Applicant’s understanding is incorrect, then the Examiner is invited to clarify the basis of the rejection.

Accordingly, Applicant respectfully submits that the portion of the Austin patent relied upon by the Examiner would not teach or suggest the invention recited in claims 1 and 2. It is therefore asked that this rejection of claims 1 and 2 be withdrawn.

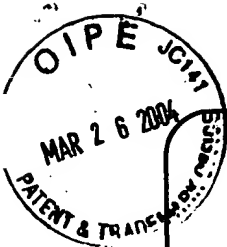
In view of the above remarks, it is respectfully submitted that all of the claims are allowable, and that this application is in condition for allowance. Favorable action in this regard is courteously requested at the Examiner's earliest convenience.

Respectfully submitted,

BANNER & WITCOFF, LTD.

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March 26, 2004



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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 440

Complete if Known

Application Number 09/625,989
Filing Date July 26, 2000
First Named Inventor Timothy J. Brown
Examiner Name T. Ho
Art Unit 2126
Attorney Docket No. 005158.00011

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None
Order

☒ Deposit Account:

Deposit
Account
Number

19-0733

Deposit
Account
Name

Banner & Witcoff, LTD.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee
to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$ 0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	0	0	0
Independent Claims	0	0	0
Multiple Dependent			0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ 0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	55
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	385
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 440)

SUBMITTED BY

Name (Print/Type)	Thomas L. Evans	Registration No. (Attorney/Agent)	35,805	Telephone	202-824-3000
Signature	Thomas L. Evans	Date	March 26, 2004		

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